

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	CASE NO.: 05-566M
)	
Plaintiff,)	
)	
v.)	DETENTION ORDER
)	
FRANCOIS CUNNINGHAM,)	
)	
Defendant.)	

Offense charged:

Convicted Felon in Possession of a Firearm (Western District of Kentucky)

Date of Detention Hearing: December 2, 2005

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) The defendant is charged in the Western District of Kentucky, Case number 3:05 MJ 348, with the offense of felon in possession of ammunition, having previously been convicted of the offense of Manslaughter - 2nd degree.. The charge arises out of a possible homicide investigation by the Louisville Kentucky Metro Police. The affidavit in support of the criminal

01 complaint alleges that the same type of ammunition found at the scene of the homicide was found
02 in the defendant's residence.

03 (2) In the Pretrial Services Report, criminal records are cited that reflect prior offenses
04 including bail jumping first degree, manslaughter 2nd degree, tampering with physical evidence,
05 aggravated assault in the 4th degree (Police or probation officer), intimidating a witness, theft by
06 unlawful taking, possession of marijuana, and escape in the 2nd degree. The defendant is
07 associated with at least six alias names, two social security numbers and three dates of birth.

08 (3) The defendant poses a risk of danger due to the nature of the instant offense and
09 his criminal history. He poses a risk of nonappearance due to his prior convictions for escape and
10 bail jumping, and alleged connection with multiple alias and identification information.

11 (4) There does not appear to be any condition or combination of conditions that will
12 reasonably assure the defendant's appearance at future Court hearings while addressing the danger
13 to other persons or the community.

14 It is therefore ORDERED:

15 (1) Defendant shall be detained pending trial and committed to the custody of the
16 Attorney General for confinement in a correction facility separate, to the extent
17 practicable, from persons awaiting or serving sentences or being held in custody
18 pending appeal;

19 (2) Defendant shall be afforded reasonable opportunity for private consultation with
20 counsel;

21 (3) On order of a court of the United States or on request of an attorney for the
22 Government, the person in charge of the corrections facility in which defendant is
23 confined shall deliver the defendant to a United States Marshal for the purpose of
24 an appearance in connection with a court proceeding; and

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01 (4) The clerk shall direct copies of this Order to counsel for the United States, to
02 counsel for the defendant, to the United States Marshal, and to the United States
03 Pretrial Services Officer.

04 DATED this 2nd day of December, 2005.

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07 Mary Alice Theiler
08 United States Magistrate Judge
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